

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 19880 of 2006(N)

PETITIONER:

GRACEAMMA THOMAS,
ADVOCATE, VASANTHA BUILDING,
ATHANI ROAD, VANCHIYOOR,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

1. SUB INSPECTOR OF POLICE,
VANCHIYOOR POLICE STATION,
THIRUVANANTHAPURAM.
2. CIRCLE INSPECTOR OF POLICE,
PETTA POLICE STATION,
THIRUVANANTHAPURAM.
3. DY.SUPERINTENDENT OF POLICE,
CRIME DETACHMENT AC,
FORT-THIRUVANANTHAPURAM,
KAKKANAD.
4. CITY POLICE COMMISSIONER,
TRIVANDRUM CITY,
THIRUVANANTHAPURAM.
5. DIRECTOR GENERAL OF POLICE,
(LAY AND ORDER),
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.
6. U.JAYACHANDRAN, ADVOCATE,
GOWARTHAN TOWERS,
ROOM NO.15, ATHANI ROAD,
VANCHIYOOR, THIRUVANANTHAPURAM.

R6 BY ADV. SRI.R.T.PRADEEP

SRI.V.VIJULAL

R1 TO 5 BY GOVT. PLEADER SRI. THOMAS JOHN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/01/2007, ALONG WITH CRMC NO. 2457 OF 2006 THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 COPY OF THE COMPLAINT DT. 5.6.06 SUBMITTED BY RAMANI BAI.

EXT.P2 COPY OF THE COMPLAINT DT. 4.7.06 SUBMITTED BY GANESH
CHETTIYAR.

EXT.P3 COPY OF THE COMPLAINT DT. 14.3.06 SUBMITTED BY JOSEPH.

EXT.P4 COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER
DT.5.7.06 TO THE DIRECTOR GENERAL OF POLICE.

/TRUE COPY/

R. BASANT, J.

W.P.C.No. 19880 of 2006 N &
Crl.M.C.No. 2457 of 2006

Dated this the 12th day of January, 2007

JUDGMENT

These petitions reveal a stinking dispute between two lawyers. The dispute is unworthy of the noble profession, to which they belong. There is a dispute between them whether they are junior and senior or only associates. The base controversy is about removal of some files (briefs) belonging to clients by one of them from the possession of the other. An F.I.R. was registered on the allegations of the petitioner in W.P.C. 19880 of 2006 under Section 294B, 506(i) and 380 I.P.C. One of the two contestant lawyers is a woman. Investigation is in progress. Some case files were seized by the police and I am informed that already directions have been issued by another Bench of this Court as to how that controversy regarding the right of the contestants to keep possession of the case bundles is to be resolved.

2. The accused/advocate has come to this court with Crl.M.C. 2457 of 2006 with a prayer that the F.I.R. may be quashed and the police may be restrained from continuing the investigation. The writ

petition (WPC No. 19880 of 2006) is filed by the complainant/advocate who wants the investigation to be handed over to a very senior official of the police and not allow the investigation to be conducted by the S.I. of police of the concerned police station.

3. The learned counsel for the petitioner in Crl.M.C. 2457 of 2006 in the course of arguments does not dispute the need of the investigation to continue. However, the counsel submits that the inclusion of the offence under section 380 I.P.C. in the F.I.R. is not justified. He therefore makes a qualified request to quash the F.I.R. in so far as it relates to the allegation under Section 380 I.P.C.

4. The learned counsel for the petitioner in W.P.C. 19880 of 2006 submits that such dispute between two members of the noble profession may not be left to the Investigating Officers of the lower rank. Considering the nature of the dispute and the parties involved, a senior officer of the police force may be directed to conduct the investigation.

5. The conduct of, and nature of the dispute between, the petitioners may be unworthy of the position that they hold as members of the noble profession. But the fact remains that they are members of the noble profession, I am satisfied that the prayer to get the investigation conducted

by a senior officer can safely be accepted. I find no merit in the prayer that this Court must specify the section of offence for which the investigation must continue.

6. I have been taken through the nature of the base dispute that has been raised. I am satisfied that it is not necessary now to invoke the powers under Section 482 Cr.P.C. to issue any direction about the specific offence into which the investigation must continue.

7. In these circumstances, Crl.M.C.No. 2457 of 2006 is dismissed. W.P.C.19880 of 2006 is allowed in part. It is directed that the investigation shall be continued by an officer not below the rank of a Dy.S.P. to be specified by the 4th respondent City Police Commissioner, Trivandrum City. Every effort shall be made to complete the investigation as expeditiously as possible.

8. I am informed that the Bar Council, the Disciplinary Body of the profession is already seized of the matter. Therefore I do not want to make any comments on that aspect.

(R. BASANT)
Judge

W.P.C.No. 19880 of 2006 N &
CrI.M.C.No. 2457 of 2006